

EXHIBIT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
SHEILA J. PORTER,
Plaintiff

-vs-

ANDREA CABRAL; SUFFOLK COUNTY
SHERIFF'S DEPARTMENT; SUFFOLK
COUNTY and CORRECTIONAL MEDICAL
SERVICES, INC.,
Defendants
* * * * *

Civil Action
No. 04-11935-DPW

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF ELIZABETH KEELEY, ESQUIRE, a
witness called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Wednesday, May 11, 2005, commencing at 10:08 a.m.

MCLAUGHLIN & ASSOCIATES COURT REPORTERS
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1 called Mary Ellen Mastrorilli back.

2 Q What transpired during your conversation with
3 Miss Powers?

4 MS. CAULO: Objection. Attorney client.

5 Q The purpose of your conversation with
6 Miss Powers, was she relating legal advice to
7 you at that time?

8 MS. CAULO: Objection.

9 A Yes.

10 Q After you looked at S220, did you contact
11 Miss Mastrorilli again?

12 A Yes, I had it open in front of me. My memory
13 is I picked up the phone, and I called Mary
14 Ellen. And I told her the reasons that she
15 could give or share with Sheila Porter.

16 Q What were those reasons?

17 A The reasons, as I recall, were she was -- you
18 can tell her she's being barred for
19 violations of S220. I remember that I was
20 flipping through S220 and Section C, which
21 has to do with -- confidential communications
22 was first, so I may have mentioned that
23 first; that she had communicated confidential
24 inmate information outside the department. I

1 flipped through some more pages, and I
2 remember telling her her failure to file a
3 timely report, her failure to document a
4 medical file. And I remember that -- again,
5 I'm not sure of the order, but it was failure
6 to document a medical file, failure to file a
7 timely report.

8 I may have mentioned that her failure to
9 file a report -- my memory is that I said
10 this: That failure to file a report
11 interfered with an ongoing investigation;
12 that her report was inconsistent with other
13 reports of what people claim to have seen in
14 terms of injuries to Rene Rosario, so that it
15 was not a credible report.

16 I remember hesitating, because I wasn't
17 sure whether I wanted to say this, but I
18 remember pausing. And I said, "And you can
19 share with her that because Rene Rosario has
20 been talking about his role as an informant
21 and he has mentioned her name in the context
22 of cooperating with the FBI, that the
23 department could not assure her personal
24 safety."

1 Q These were all factors that you related to
2 Miss Mastrorilli during this conversation?

3 A Yes, that's my memory of what I said to her.

4 Q Did you instruct her to relate this
5 information to Mrs. Porter as the reasons for
6 her barring?

7 A I don't think I said "now tell her exactly
8 what I just told you," but she asked me what
9 the reasons were that she could give and
10 that's what I told her.

11 Q And these are all included in the reasons
12 that could be related to Miss Porter?

13 A Correct.

14 Q Do you know if Miss Mastrorilli, in fact, did
15 relay this information to Mrs. Porter?

16 A I don't know what she said to her.

17 Q Did you have any follow-up conversations with
18 Miss Mastrorilli?

19 A I recall having one.

20 Q What happened during that follow-up
21 conversation?

22 A It was maybe a week or two later. It was
23 after the meeting at the U.S. Attorney's
24 Office. I know that. I asked her,

1 "Mary Ellen, did you write down the reasons
2 that I gave you?" She said no. That was the
3 one and only conversation I have had with
4 Mary Ellen Mastrorilli about this since.

5 Q Did you talk about anything else during this
6 final conversation other than whether she
7 documented the reasons that you had provided
8 for her?

9 A I don't recall, but I think that was the
10 extent of the conversation.

11 Q If I have this right, I've counted four
12 communications with Miss Mastrorilli on or
13 after June 10th. The first was when you
14 called her to tell her to bar Sheila Porter?

15 A Yes.

16 Q The second was when Miss Mastrorilli called
17 you back to say that Miss Porter wanted to
18 know the reasons why she was barred, and you
19 said you'd get back to her?

20 A Correct.

21 Q The third was when you called her back after
22 speaking with General Counsel and reviewing
23 S220.

24 MS. CAULO: I object. I'm sorry.